

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

v.

7:06-CR-0245
(GHL)

MARK ANTHONY WILTSHIRE, JR.,

Defendant.

APPEARANCES:

OF COUNSEL:

HON. GLENN T. SUDDABY
United States Attorney for the
Northern District of New York
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Special Assistant U.S. Attorney

OFFICE OF SETH BUCHMAN
Counsel for Defendant
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SETH BUCHMAN, ESQ.

GEORGE H. LOWE, United States Magistrate Judge


ORDER

Defendant has moved for a new trial. (Dkt. No. 29.) The Government has opposed the motion. (Dkt. No. 32.)

Although Defendant references a number of purported issues (Dkt. No. 29-3), his ultimate claim appears to be that the prosecutor's rebuttal summation, to the extent that it addressed a "mathematical formula" (Dkt. No. 29-3) based upon Dr. Closson's testimony, was improper. I disagree, and find that the rebuttal summation was fair comment based upon the evidence produced at trial. Accordingly, it is

ORDERED, that Defendant's motion (Dkt. No. 29) is **DENIED**.

Dated: November 13, 2007
Syracuse, New York



George H. Lowe
United States Magistrate Judge